



**NOISE ORDINANCE REVIEW COMMITTEE (NORC)  
WEDNESDAY, APRIL 14, 2004, 6:00 P.M.**

**VILLAGE HALL  
COMMUNITY ROOM #120**

1. Attendance
2. Approval of Minutes: March 17, 2004
3. Reconsideration of the following Sections of the Noise Ordinance: Consideration of placing a time limit on each item and then a vote is required
  - Section 17-3(p) & (q) relating to Leaf Blowers
  - Section 17-3(c) Radios, televisions, phonographs, musical instruments, parties
  - Section 17-3(f) Construction
4. Review of New Section 17-8 Burglar Alarms: changes made at the last meeting
5. Approval of Revised Schedule
6. Committee sets Public Hearing Date: May 19, 2004
7. Public Comment
8. Next Meeting Date: May 19, 2004
9. Adjournment



Noise Ordinance Review Committee  
Meeting Notes from March 17, 2004  
By: Clinton Archambault  
Co-Secretary

Members in Attendance

Serge Barder  
Jose Penichet  
Bill Pickell  
Clinton Archambault

Michael Carsch  
Ramon Rodriguez  
Luis Arrondo

Members Absent: Ana Brennan

Representative for Village: Jud Kurlancheek  
Representative for Police Department: Sgt. Brian Nusall  
Village Attorney: Alex Palenzuela  
Citizens: Mayor Bob Oldakowski  
Minutes approved for last meeting.

**Chair, Serge Barder, brought up 17-3C for further discussion.**

Jud Kurlancheek suggested that we concentrate on #17-3C for 45 minutes and vote on it.

Ramon wanted to clarify reason for continued discussion.

It was clarified that the only items to be discussed are #17-3C, Burglar Alarms, and re-hearing of any items not agreed to.

Jose requested that Michael come up with a schedule for events that would not infringe on Residents rights.

Michael Carsch asked that we do not single out Ritz-Carlton.

Bill Pickell commented that he no longer wants to discuss Ritz-Carlton.

Michael Carsch brought up idea of limiting hours of outside parties to 10:00PM. Decided it would be too hard to enforce.

**Public Comment:**

Mayor Bob Oldakowski brought up that Ritz was doing several parties a week, every week. He felt that it was not correct to characterize that it was focusing on Ritz.

Ramon wanted more information on events at Ritz. Asked to get idea of what functions were and when. Ramon proposed idea of having tents set up to muffle noise.

Serge asked if Functions can take place without amplification. Michael commented that he

will look into it and see what he can do.

Bill Pickell commented that Michael has volunteered to try and look into changing things and members of committee did not give him credit.

Serge brought up idea that we should consider entire idea of amplified music on Key.

Jud Kurlancheek commented that this problem may be able to be resolved by changing hours at Ritz and looking into amplification problem seriously.

Proposal submitted by Michael Carsch that hours of Hotel Parties be reduced to end at 10:00PM Sunday through Thursday s and 11:00PM on Fridays, Saturdays and Holidays.

Michael proposed curtailing Amplified music within "X" number of feet. To be submitted at next meeting after consultation with Ritz staff.

Ramon moved to accept previous proposal, voted on and approved.

Luis abstained.

### **Burglar Alarms:**

Jud clarified that this deals with home burglar alarms.

It was moved to approve 17-8 as written with amendment of 3 strikes per calendar year which are false alarms and a \$250 fine thereafter.

It was approved unanimously and passed. Luis moved to limit penalty to \$200 but it was not seconded.

Ramon wanted to discuss penalties and enforcement of all infractions of Noise Ordinance.

Moved to amend 17-8 to read that it is mandatory that all Burglar alarm system users with a functioning Burglar alarm will have 60 days to register with village will all current contact information for a fee of \$25.00.

In addition, all new Burglar alarm systems owners will have to register within 60 days of installation. Failure to register or report change of current information within 60 days will result in a penalty of a \$100.00 penalty.

Motion approved.

Items to be re-considered and discussed for next meeting:

-17-3 Q

-17-3 C

-17-3 F

-17-3 P

-17-6

-17-7A B & C

Bob Oldakowski wanted to thank the committee for all the hard work and commented that he was impressed with the work we had done and the ability we showed coming to consensus.





**DT:** April 6, 2004

**TO:** Noise Ordinance Review Committee

**FR:** Jud Kurlancheek, AICP, Director  
Building, Zoning, and Planning Department

**RE:** Proposed Meeting Schedule and Methodology

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
1.	July 2, 2003	Committee reviews schedule and approves methodology  Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance.
2.	Aug 13, 2003	Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of the July 2 discussion).  Review of Key Biscayne Noise Ordinance  Committee initiates review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.
3	Sept 17, 2003	Committee completes review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.  Key Biscayne Noise Committee: Review of complaints and violations  Review of Key Biscayne Noise Ordinance Sec 17-3 <div style="display: flex; justify-content: space-between;"> <div> <p>(a) Excessive noise</p> <p>(b) Horns, signaling devices, etc.</p> <p>(d) Animals, birds, etc.</p> <p>(e) Exhausts</p> </div> <div> <p>(f)</p> <p>(g) Firearms and explosives</p> <p>(p) Power tools and landscaping equipment</p> </div> </div>
4.	Oct 15, 2003	Review of Key Biscayne Noise Ordinance Sec 17-3 <div style="display: flex; justify-content: space-between;"> <div> <p>(k) Defect in Motor Vehicle or Motorboat</p> <p>(l) Hawkers/peddlers</p> <p>(m) Schools, courts, hospitals, places of religious worship</p> <p>Section 17-4 Permits for Special Events</p> <p>Section 17-5 Exemptions</p> <p>Review of complaints and violations</p> </div> <div> <p>(n) Aircraft</p> <p>(o) Open air concerts, musical broadcasts, etc.</p> <p>q) Leaf blowers</p> <p>Section 17-7 Penalties</p> <p>Section 17-6 Enforcement</p> </div> </div>

5.	Nov 19, 2003	<p>Section 17-3</p> <p>(c) Radios, Televisions, Photographs, Musical Instruments, etc.</p> <p>(f) Construction - Staff requests a clarification</p> <p>(h) Loudspeaker or sound amplification</p> <p>Review of Section 17-4 Permits for Special Events</p> <p>Review of Section 17-5 Exemptions</p> <p>Burglar Alarms - New Section</p>
6.	Dec 17, 2003	Review of Section 17-4 Permits for Special Events
7.	Jan 21, 2004	<p>Review of Section 17-6 Enforcement</p> <p>Review Enforcement, Section 17-7 Penalties</p> <p>Review of Section 17-3(c) noise from private clubs and hotels</p>
8.	Feb 18, 2004	<p>Review of Section 17-3(3) noise from private clubs and hotels</p> <p>Review of New Section 17-8 Burglar Alarms</p>
9.	Mar 17, 2004	<p>Review of Section 17-3(3) noise from private clubs and hotels</p> <p>Review of New Section 17-8 Burglar Alarms</p>
10.	April 14, 2003	<p>Section 17-3 - reconsideration of previously approved sections</p> <p>Section 17-3(p) &amp; (q) relating to Leaf Blowers</p> <p>Section 17-3(c) Radios, televisions, phonographs, musical instruments, parties</p> <p>Section 17-3(f) Construction</p>
11.	May 19, 2004	Committee holds a public hearing on the ordinance and submits recommendation to the Village Council. Public hearing to be advertised in The Islander News, posted in Village Hall, and listed on Village's website. At the conclusion of the hearing, changes are made, and the ordinance is forwarded to the Village Council.
12.	June, 2004	Committee appears before Council and requests public hearings (2).
13.	July 13 & 27, 2004	Council holds two public hearings.



VILLAGE OF KEY BISCAYNE  
NOTICE OF PUBLIC MEETING REGARDING THE  
NOISE ORDINANCE REVIEW COMMITTEE

PUBLIC NOTICE IS HEREBY GIVEN THAT THE NOISE ORDINANCE REVIEW COMMITTEE WILL HOLD A PUBLIC MEETING ON APRIL 14, 2004, 6:00 P.M., IN THE VILLAGE HALL/POLICE STATION, COMMUNITY ROOM #140 (FIRST FLOOR), 88 W. MCINTYRE STREET KEY BISCAYNE, FL 33149. THE PURPOSE OF THE PUBLIC MEETING IS TO REVIEW, DISCUSS AND MAKE RECOMMENDATIONS TO THE VILLAGE COUNCIL REGARDING THE NOISE ORDINANCE. INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD OR SUBMIT WRITTEN COMMENTS TO THE BUILDING, ZONING, AND PLANNING DIRECTOR TO THE BUILDING, ZONING, AND PLANNING DIRECTOR AT 88 W. MCINTYRE STREET, KEY BISCAYNE, FL 33149. IF YOU HAVE ANY QUESTIONS WITH RESPECT TO THIS MATTER PLEASE CALL 305 365 8908.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5511, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

COMMENTS OF ANY INTERESTED PARTY RELATIVE TO THIS MATTER MAY BE SUBMITTED IN WRITING AND OR PRESENTED IN PERSON AT THE PUBLIC MEETING.

NOTICE IS HEREBY GIVEN THAT ONE OR MORE MEMBERS OF THE VILLAGE COUNCIL OR VILLAGE COMMITTEE MAY BE ATTENDING THIS MEETING.

*Posted in the Village Hall April 8, 2004*